




## VI. Disability Benefits Programs

**A**s a member of the California CalSTRS Defined Benefit Program, you have disability protection under one of CalSTRS disability benefit programs. If you are unable to work because of illness or injury and meet eligibility requirements, you may be entitled to disability benefits until you recover.

Disability benefits are available to you if you meet eligibility requirements, and you have a medically determinable physical or mental impairment that prevents you from performing your usual job or comparable duties. The impairment must be permanent or expected to last at least twelve continuous months. Comparable duties are those for which you are qualified or can become qualified within a reasonable period of time with education, training, or experience.

### Regional Counseling Services



Before you file for disability benefits, CalSTRS suggests you see a CalSTRS regional counselor. Counselors can explain the facts you should consider before making any decisions. When scheduling an interview, inform the schedule coordinator you wish to discuss a disability application.

If you are 55 or older and have 25 years or more of service credit, it is especially important that you consult with a CalSTRS regional counselor before completing a disability application in order to compare the differences between disability and service retirement benefits.

For a list of Regional Counseling Centers, refer to Section X, General Information.

### Reasonable Accommodation

Sometimes adjustments in the work environment can enable a member to continue working. Federal and state laws require employers to make reasonable adjustments for employees. Making such adjustments is known as “reasonable accommodation.” CalSTRS may also require you to request reasonable accommodation from your employer.

Examples of reasonable accommodation include employing a teacher’s aide, changing your grade level or subject assignment, improving your classroom or parking assignment, relieving you from yard duty and assigning you to other positions for which you may be qualified.



If you have questions about reasonable accommodation, contact your school district, or call CalSTRS at 800-228-5453 or 916-229-3870 to select Teletalk

message #401 or talk to the Public Service staff.

### Filing a Disability Benefit Application

#### How

You can request a disability application packet from the CalSTRS Sacramento office. Call Teletalk at 800-228-5453 or write to CalSTRS at the address shown in Section X, General Information. Include your Social



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Security number with your request. All application documents should be sent by certified mail with a return receipt requested.

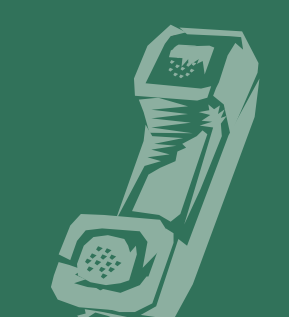
#### When

You can file an application **while you are working** or receiving sick leave or differential pay benefits from your employer. The effective date of disability benefits cannot be earlier than the first day of the month the application is received at the CalSTRS office in Sacramento, but must be later than the last day of service for which you are paid.

CalSTRS encourages you not to wait until all benefits are exhausted before filing for disability benefits.

You can also file an application **while you are not working** if you meet one of the following conditions:

- 
- you have been physically or mentally incapacitated from performance of service and the incapacity has been continuous from your last day of compensated service
  - you have applied within four months of termination of your CalSTRS employment
  - you have applied within four months of your last day of compensated service if you are on a personal leave of absence
  - you have applied within twelve months of your last day of compensated service if you are on an employer-approved leave to study at an approved college or university



For a complete text, please refer to Education Code Sections 24002 and 24102—Conditions for Applications and 24001 and 24101—Eligibility Requirements. Text is available online at the Quick Link section of the CalSTRS Web site home page.

For more information, please contact a CalSTRS regional counselor or the CalSTRS Public Service Office. CalSTRS also encourages conservators, guardians or others caring for a CalSTRS member physically or

mentally incapacitated to contact the CalSTRS Public Service Office to inquire if the member qualifies for disability benefits.

#### ***How long does it take to process a claim?***

The length of processing time varies from one to six months depending on individual cases. Medical information, including additional professional opinions, may be required to make a final determination. You can help CalSTRS by filing a complete application, including relevant physician and hospital reports and promptly providing any other required documentation.

#### **Information to Provide**

If you believe you are eligible to file for benefits, you will need to provide information, including medical records, hospital reports and a vocational profile questionnaire completed by your employer. You are responsible for any fees charged for providing information to CalSTRS.

If additional medical information is necessary, an Independent Medical Examination may be scheduled for you. CalSTRS will notify you if this is necessary, and CalSTRS will pay for the IME and any reasonable related costs.

#### **Independent Vocational Evaluation**

An independent vocational evaluation may be required to determine if you can perform your essential core duties at a “comparable level.” Duties of a comparable level are defined as any job that a member may be qualified to perform that will provide earnings of 66 2/3 percent or more of the member’s indexed final compensation.

The independent vocational evaluation usually begins with an interview with a vocational consultant. The consultant will discuss your job history and residual functional capabilities and limitations. Your employer may be interviewed to determine if your job can be modified and to see if reasonable accommodation would allow you to continue working.

## Notification

You will receive written notification once CalSTRS reaches a decision on your disability application.

## Approval

If your disability application is approved and you are still performing creditable service, you must cease on-the-job employment before CalSTRS can begin paying your benefits. Notification of your approval will also be sent to your employer.

You should receive your first disability payment within 45 days after all necessary information is received. The payment will include any retroactive disability payment amounts due.

After receipt of this first payment, you will receive a regular disability payment on or about the first day of each month.

## Prescribed Treatment Program

If your disability is amenable to treatment that could allow you to perform your usual duties or those of a comparable level, you may be required to participate in a Prescribed Treatment Program developed by your attending physician.

## Limited-Term Disability Benefits

If your condition is expected to improve with mental, physical or vocational rehabilitation, you may be approved for limited-term disability benefits.

These benefits are granted for a specific time period. CalSTRS can renew them if your condition does not improve.

## Vocational Rehabilitation Program

The CalSTRS Rehabilitation Program provides a variety of services to disabled members.

If CalSTRS determines that you are a potential candidate for the Rehabilitation Program, an independent vocational evaluation will be conducted to assess your current capabilities and limitations. The

consultant will also discuss your career interests and help you develop a rehabilitation plan with the goal of obtaining comparable level employment.

You are required to make a good faith effort in developing a rehabilitation plan.

Upon development and approval of your plan, CalSTRS will pay reasonable costs for tuition, fees, books and materials related to a college or vocational training program, transportation, job placement assistance and other activities that prepare you to return to comparable level employment.

If your medical condition worsens and you cannot continue your vocational rehabilitation program, your allowance will not be terminated.

## Disapproval Right to Appeal

If your disability application is not approved, you will receive a letter explaining the reasons and your further rights to appeal.

If you have reached age 55 or older at the time disability benefits are denied, information about service retirement will also be sent to you. You may apply for and receive a service retirement allowance while you appeal the disability decision.



### *Who hears the administrative appeal?*

- Office of Administrative Hearings

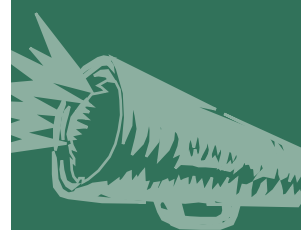
Appeals are processed through the Office of Administrative Hearings, a governmental agency independent of CalSTRS. You may represent yourself or hire an attorney to represent you at the hearing. An administrative law judge hears all evidence related to the case and issues a proposed decision to the Teachers' Retirement Board.

- Teachers' Retirement Board  
The board can adopt or reject the decision of the administrative law judge. If you are dissatisfied with the decision of the Teachers' Retirement Board, you can appeal its decision to a Superior Court.



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#### Steps in the Disability Process

- Request an application packet from CalSTRS.
- Send the application and any pertinent documents to CalSTRS, certified mail, return receipt requested.
- CalSTRS receives and acknowledges receipt of your disability application and other documents you submit.
- CalSTRS reviews application and your eligibility status and mails medical requests and other necessary documents to you.
- CalSTRS awaits receipt of information and sends follow-up requests for missing documents.
- CalSTRS will notify you if an Independent Medical Examination and/or Independent Vocational Evaluation needs to be scheduled.
- CalSTRS reviews all data on file and determines approval or disapproval.
- CalSTRS sends notification of decision to you.



#### Coverage A or Coverage B

You are protected for disability under either Coverage A, Disability Allowance or Coverage B, Disability Retirement.

If you became a CalSTRS member after October 15, 1992, you are protected under Coverage B. If you became a CalSTRS member before that date, you were offered the choice of either Coverage A or Coverage B.

Your annual statement of account will show which disability coverage you have or, if you are not certain of your coverage, you can call Public Service at 800-228-5453 or 916-229-3870.



#### Coverage A Disability Allowance Program

The information in this section is for individuals who became members of CalSTRS before October 16, 1992, and did not elect Coverage B. If you elected Coverage B, see page 50.

A member receiving Disability Allowance, Coverage A is *not* considered retired. You will remain an “active” member of CalSTRS and continue to accrue service credit toward retirement while you are receiving a CalSTRS disability allowance. The allowance will continue to be paid as long as you remain disabled or until you reach age 60.

At age 60, the disability allowance will be terminated, and you will be eligible to apply for service retirement. A disability allowance may continue beyond age 60 only if you have eligible children and remain disabled.

#### Eligibility Requirements

To apply for a disability allowance you must meet the following requirements:

- **Age**  
You must be under age 60.
- **Service credit**  
You must have five or more years of credited service and four of the five years of credit must be for actual performance of creditable service.

At least one year of service must have been earned after the date of your most recent reinstatement to membership from Service Retirement or your most recent refund of accumulated contributions (if applicable).

#### and

Your last five years of credited service must have been performed in California.

On or after January 1, 1998, you may be eligible for a disability allowance with one year of credited California service if you are disabled due to an unlawful act of bodily harm committed by another person upon you while you were working in CalSTRS-covered employment. If you believe this circumstance applies to you, contact the CalSTRS Public Service Office or a regional counselor for more information.



## Coverage A Disability Allowance Formulas

### *How is the disability allowance calculated?*

**Regular Calculation** — The disability allowance for most applicants is 50 percent of final compensation.

Final compensation for a full-time employee is generally the highest average monthly compensation earnable by a member during any period of three consecutive years (36 consecutive months) of credited service.

For periods of part-time employment (i.e., hourly, substitute, daily salaries), final compensation may be computed using actual salary earned during that period. Contact CalSTRS for more information.

**Alternative Formula**—An alternative formula is used for members who have less than 10 years of service credit and who become disabled between the ages of 45 and 60. The disability allowance formula for these members is 5 percent of final compensation for each year of credited service.

#### Example 1 – Alternative Formula

If you qualify for a disability benefit at age 50 with five years of service credit, you would receive an allowance of 25 percent of final compensation. If your final compensation is \$3,600 a month, your disability allowance would be calculated as follows:

**5 percent x 5 years  
of service credit ..... = 25 percent**

**25 percent x \$3,600 ..... = \$900  
(final compensation)**

#### Example 2 – Alternative Formula

If you have nine years of service credit, your allowance would be calculated at 45 percent of final compensation.

**5 percent x 9 years  
of service credit ..... = 45 percent**

**45 percent x \$3,600 ..... = \$1,620  
(final compensation)**

### *Will receipt of other benefits affect the CalSTRS disability allowance?*

Yes. Your monthly CalSTRS allowance, including the amount received for a dependent child, will be reduced by the full amount paid or payable from other public systems.

Other public systems include:

- Workers' Compensation
- Social Security disability
- Federal military disability
- Income protection plans (if premiums were paid by the school employer, not by the member), and any other disability program financed with public funds.

### *Will the allowance be increased for dependent children?*

Yes. If you have eligible children you will receive an additional 10 percent of final compensation for each child, up to a maximum of four children (or 40 percent). The maximum allowance payable to a member is 90 percent of final compensation.

A child is eligible if, on the date of the disability allowance, he or she is:

- the unmarried natural, adopted or stepchild of the member and not adopted by a person other than the member's spouse
- born within the 10-month period commencing on the effective date of the member's disability allowance
- under age 22
- financially dependent upon the member

When a child no longer meets the eligibility requirements, the monthly allowance will be reduced by that child's portion.

### **Disability Allowance Worksheet**

Final compensation must be determined before the monthly disability allowance can be calculated. Service credit is not a factor in the determination of the disability allowance, except when determining the monthly allowance under Coverage A when a member



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has less than 10 years of service credit and is between the ages of 45 and 60.


#### ***Disability Allowance Examples***

##### **Regular (50 percent Formula)**

Charles is granted disability benefits with a benefit effective date of July 1. He has 14 years of service credit. Charles has one eligible child and he receives \$300 a month from Workers' Compensation.

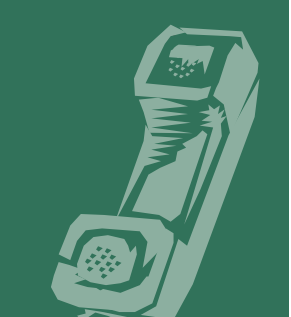
##### **Step A: Final Compensation**

Highest 36 consecutive months earnable salary



7/1/98 to 6/30/99 (12 mo) .....	\$ 42,430
7/1/97 to 6/30/98 (12 mo) .....	\$ 39,850
7/1/96 to 6/30/97 (12 mo) .....	\$37,700
(36 mo total) .....	\$119,980
	÷ 36 Months
<b>Final Compensation .....</b>	<b>\$3,332.78</b>

##### **Step B: Calculate Disability Allowance**


- 
- 1. Final compensation x 50%**  
(\$3,332.78 x 50%) = 1,666.39
  - 2. Eligible children (1 child @ 10%)**  
(10% x \$3,332.78) = +333.28
  - 3. Monthly allowance before offset for other public benefit** = \$1,999.67
  - 4. Less benefit payable from another public system** (Workers' Compensation) -300.00
  - 5. Adjusted monthly allowance** = \$1,699.67

##### **Alternative Formula**

Sharon is granted disability benefits with a benefit effective date of January 1. She has service credit of 8.072 years and is between age 45 and 60. She has 2 eligible children and receives \$300 a month from Workers' Compensation.

##### **Step A: Final Compensation**

Highest 36 consecutive months earnable salary



7/1/98-12/31/99 (6 mo) .....	\$20,950
7/1/97-6/30/98 (12 mo) .....	\$39,256
7/1/96-6/30/97 (12 mo) .....	\$36,624
1/1/96-6/30/96 (6 mo) .....	\$17,265
(36 mo total) .....	\$114,095
	÷ 36 Months
<b>Final Compensation .....</b>	<b>\$3,169.31</b>

##### **Step B: Calculate Disability Allowance**

- 1. Number of years of service credit** 8.072
- 2. Service Credit x 5% x Final Compensation** \$1,279.13  
(8.072 x 5% x \$3,169.31)
- 3. Eligible children** +\$633.86  
(2 x 10% x \$3,169.31)
- 4. Monthly allowance before offset for other public benefit** = \$1,912.99
- 5. Less allowance payable from other public system** (Workers' Compensation) -300
- 6. Adjusted Monthly Allowance** = **\$1,612.99**

#### **Earnings Limits**

##### ***How much income can I earn and still receive a disability allowance?***

You are allowed to earn money while receiving a disability allowance. CalSTRS recognizes it can be helpful for you to begin with part-time or limited employment as you return to teaching or other employment.

The law establishes two separate earnings limits for members receiving a disability allowance: a single-month earnings limit and a six-month earnings limit. The earnings limits are initially based on your final compensation.

Each year an index factor, developed from the average salary increase of all CalSTRS active members, is used to determine indexed final compensation. Indexed final compensation serves as a measure of current salaries.

##### **Single-Month Earnings Limit**

The sum of your base disability allowance (monthly allowance before offset for other public benefit), plus your earnings from all employment, is compared to your indexed final compensation. A comparison is made to determine if your earnings have exceeded the single-month earnings limit.

If the earnings exceed the limit, the amount of overpayment will be recovered by CalSTRS.

### Example

Margaret has a base disability allowance of \$1,500 and employment earnings of \$2,075 in a single month. Her employment earnings plus the base disability allowance exceed 100 percent of indexed final compensation (\$3,100).

\$	1,500	(base disability allowance)
+	2,075	(monthly employment earnings)
=	\$3,575	(total monthly income)
-	3,100	(indexed final compensation)
=	\$ 475	(overpayment, which will be recovered by CalSTRS)

### Six-Month Earnings Limit

CalSTRS makes a separate calculation which compares your earnings to 66 2/3 percent of your indexed final compensation.

If you are able to earn 66 2/3 percent of the indexed final compensation from employment earnings over a continuous six-month period, you are no longer considered disabled. Your disability allowance will be terminated and any allowance payments made after this period will be recovered by CalSTRS.

### Example

Bob earns \$2,075 monthly from employment earnings over any continuous six-month period.

\$	3,100.00	(indexed final compensation)
x	.66667	(66 2/3%)
x	6	(months)
=	\$12,400.06	(6 mo. earnings limit)
\$	2,075.00	(monthly employment earnings)
x	6	(months)
=	\$12,450.00	(6 mo. employment earnings)
-	\$12,400.06	(6 mo. earnings limit, which will be recovered by CalSTRS)
=	\$49.94	(earnings in excess of 6 mo. earnings)

### Annual Report of Earnings

You are required to provide an annual report of your gross earnings to CalSTRS. The Employment Development Department and your employer provide verification of the earnings you report to CalSTRS.

### Periodic Review of Status

CalSTRS will review your medical and vocational status for continuing eligibility from time to time. This review may include:

- periodic medical reports from your doctor
- your annual earnings from all employment, if any
- an annual inquiry regarding other disability benefits

You should notify CalSTRS if:

- you return to employment or become self-employed
- you change your address
- benefits you receive from another public agency change
- your child is married

It is important that you keep CalSTRS informed of events that may affect your benefit eligibility so that overpayment of benefits does not occur.

### Pre-Retirement Election of an Option

You are not required to cancel a pre-retirement election of an option in order to be eligible for a disability allowance. In addition, after reaching age 55, you may make a pre-retirement election of an option while receiving a disability allowance. (A family allowance will not be payable if there is a pre-retirement election of an option in effect. See page 54 for an explanation of family allowance.)

This election is available if you want to ensure a monthly lifetime income to another person should you die prior to retirement. (See page 21 for more information regarding pre-retirement election of an option.)



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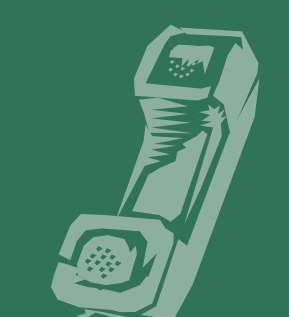
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#### Conversion to Service Retirement *What happens when I reach age 60?*


Approximately six months before your 60<sup>th</sup> birthday\*, CalSTRS will notify you of the pending termination of the disability allowance and your eligibility to apply for Service Retirement.

The notification will include an estimate of the unmodified service retirement allowance you are eligible to receive and a service retirement application packet.



Before calculating your service retirement allowance, CalSTRS will project your service credit through the duration of your disability. The final compensation used for the disability allowance will be projected forward at the rate of 2 percent per year. Your retirement allowance will be calculated using your actual and projected service credit and projected final compensation. You will receive either the service retirement allowance or the disability allowance you had been receiving prior to your 60<sup>th</sup> birthday, whichever is less.

You may also elect to modify the service retirement allowance by choosing one of the available options.



For more information, call the CalSTRS automated telephone system at 800-228-5453 and select Teletalk message #426.

#### Coverage B Disability Retirement Program

The information in this section is for members who joined CalSTRS after October 15, 1992, and for individuals who elected Disability Retirement Coverage B during the election held between October 1992 and April 1993.

A member receiving a disability retirement allowance is considered retired from active status and does not receive service credit. Your allowance will continue to be paid as

*\* For members with dependent children, termination of the disability allowance is postponed until the children are no longer eligible.*

long as you remain disabled, without respect to age. If it is determined that you are no longer disabled, or you return to full-time employment, your disability retirement will be terminated and you will be reinstated to active membership.

#### Eligibility Requirements

To apply for a disability retirement allowance, you must meet the following requirements:

- **Age**

There are no restrictions.

- **Service credit**

You must have five or more years of credited service. Four of the five years of credit must be for actual performance of creditable service.

At least one year of service credit must have been earned after the date of your most recent reinstatement to membership:

*1) after receiving a disability allowance 2) following a service retirement or 3) following the most recent refund of your accumulated contributions.*

Your last five years of credited service must have been performed in California.

On or after January 1, 1998, you may be eligible for a disability retirement allowance with one year of credited California service if you are disabled due to an unlawful act of bodily harm committed by another person upon you while you were working in CalSTRS-covered employment. If you believe this circumstance applies to you, contact the CalSTRS Public Service Office or a regional counselor for more information.

#### Concurrent Retirement

You may be eligible to retire concurrently with another pension system such as the California Public Employees' Retirement System or the University of California Retirement System. (See Concurrent Retirement, page 21, for a list of the systems.) To qualify for a disability retirement, you must be fully vested in CalSTRS and meet all the CalSTRS requirements. For purposes of computing final compensation, CalSTRS may use the salary(ies) from employment under the other system, if it is higher than your CalSTRS salary(ies) and employment was not concurrent in both systems.



## Option Beneficiary

An option is a plan feature that allows you to choose to redistribute your disability retirement allowance over both your lifetime and the lifetime of another person or persons. An option provides a modified retirement allowance based on a percentage of the unmodified allowance level. At the time you retire for disability, you may elect an option if you wish to have another person or persons receive a monthly income after your death. The amount of your modified allowance will depend upon your age and the age of your option beneficiary(ies) on your disability retirement effective date. (See pages 31–32 for option descriptions.)

Option tables for disability are not included in this handbook. For an estimate of your allowance and the allowance of your beneficiary(ies) under each of the options, CalSTRS recommends you contact a regional counselor.

See Section V, Service Retirement, for more information on Options or Section X, General Information, for regional counselor locations and telephone numbers.

## Coverage B

### Disability Retirement Formula

#### *How is the disability retirement allowance calculated?*

The disability retirement allowance formula is 50 percent of final compensation. This is also referred to as the “unmodified” allowance.

Final compensation for a full-time employee is generally the highest average monthly compensation earnable by a member during any period of three consecutive years (36 consecutive months) of credited service. One-year final compensation is available for eligible classroom teachers provided it has been included in a written collective bargaining agreement and all costs are paid by the employer, the employee or a combination of the two. (See footnotes pages 26-27 for nonconsecutive final compensation and one-year final compensation.)

For periods of part-time employment (hourly, substitute, daily), final compensation may be computed using actual salary earned during that period. Contact CalSTRS for more information.

An unmodified allowance is usually the highest monthly allowance available to a retired member. Upon your death, the unmodified allowance will stop. It does *not* provide for a monthly income to a survivor after your death.

#### *Will receipt of other benefits affect the CalSTRS disability retirement allowance?*

Yes. Your monthly CalSTRS allowance will be reduced by the full amount paid or payable from Workers’ Compensation. Children’s benefits will not be affected.

#### *Will the allowance be increased for dependent children?*

Yes. If you have eligible children you will receive an additional 10 percent of final compensation for each child, up to a maximum of four children or 40 percent. The maximum allowance payable to a member is 90 percent of final compensation.

To qualify, your child must be financially dependent upon you on the effective date of your disability retirement allowance and must be under age 21.

When your child no longer meets the eligibility requirements, the monthly allowance will be reduced by that child’s portion.

### Disability Retirement Allowance Worksheet

Final compensation must be determined before your monthly allowance can be calculated. Service credit is not a factor in the determination of the disability retirement allowance.

If you have selected a disability retirement option, your unmodified allowance will be adjusted, depending on the option you have chosen.



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#### **Disability Retirement Example**

Jack is granted benefits with an effective date of September 1. He has three eligible dependent children. He has elected to receive an unmodified allowance.

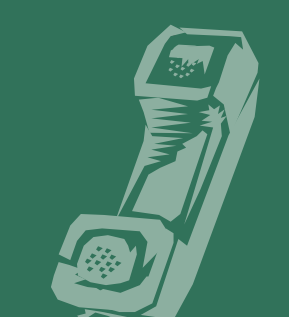
#### **Step A: Final Compensation**

Highest 36 consecutive months earnable salary



7/1/99–8/31/99 ( 2 mo) .....	\$ 5,727.30
7/1/98–6/30/99 (12 mo) .....	\$33,099.00
7/1/97–6/30/98 (12 mo) .....	\$30,375.60
9/1/96–6/30/97 (10 mo) .....	\$24,908.30
(36 mo total) .....	\$94,110.20
	÷ 36 months
<b>Final Compensation .....</b>	<b>\$2,614.17</b>

#### **Step B: Calculate Disability Retirement Allowance**

- 
- 1. Final Compensation x 50%**  
**= Unmodified Allowance**  
(\$2,614.17 x 50%) = \$1,307.09
  - 2. Allowance payable from Workers' Compensation** - \$N/A
  - 3. Number of Eligible children** \$784.25  
(3 x 10% x \$2,614.17)
  - 4. Adjusted Monthly Allowance** \$2,091.34

#### **Earnings Limit**

You are allowed to earn money while receiving a disability retirement allowance. CalSTRS recognizes that it can be helpful to begin with limited employment as you return to teaching or other employment.

However, your earnings from all types of employment, including self-employment, are subject to an earnings limit, unless you are enrolled in an approved CalSTRS rehabilitation plan.

*There is no earnings limit if you are enrolled in an approved rehabilitation plan.*

#### **How much income can I earn and still receive a disability retirement allowance?**

The earnings limit for the 2000 calendar year is \$19,050.

Your CalSTRS disability retirement allowance will be reduced dollar-for-dollar by the total amount of earnings from **all** employment in excess of the 12-month calendar year limit.

You will be asked to provide CalSTRS with an annual report of your gross earnings from all employment. The Employment Development Department and your employer(s) verify the reported earnings.

#### **Periodic Review of Status**

CalSTRS will review your medical and vocational status for continuing eligibility from time to time. This review may include periodic medical reports from your doctor, your annual earnings, if any, and an annual inquiry about other disability benefits. You should notify CalSTRS if you return to employment or become self-employed, if you change your address or if benefits you receive from workers' compensation change. It is important that you keep CalSTRS informed of events that may affect your benefit eligibility so that overpayment of benefits does not occur.